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☐ Debtor appearing without attorney

☒ Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
 CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

List all names (including trade names) used by Debtor within the last 8 years:

GEORGE FLORA

Debtor.

CASE NUMBER: 1:18-bk-11472-VK

CHAPTER 13

CHAPTER 13 PLAN

☒ Original

☐ 1st Amended*

☐ 2nd Amended*

☐ 3rd Amended*

☐ __ Amended*

*List below which sections have been changed:

 [FRBP 3015(b); LBR 3015-1]

11 U.S.C. SECTION 341(a) CREDITORS' MEETING

DATE: July 25, 2018

TIME: 10:00 a.m.

ADDRESS: 21041 Burbank Blvd. Room 100 Woodland Hills, CA 91367

PLAN CONFIRMATION HEARING: [LBR 3015-1(d)]

DATE: August 7, 2018

TIME: 9:30 a.m.

ADDRESS: 21041 Burbank Blvd. Courtroom 301 Woodland Hills, CA 91367

*"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
 "FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.*

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

TO DEBTOR (THE TERM "DEBTOR" INCLUDES AND REFERS TO BOTH SPOUSES AS DEBTORS IN A JOINT BANKRUPTCY CASE): This Chapter 13 Plan (Plan) sets out options that may be appropriate in some cases, but the presence of an option in this Plan does not indicate that the option is appropriate, or permissible, in your situation. A Plan that does not comply with local rules and judicial rulings may not be confirmable. You should read this Plan carefully and discuss it with your attorney if you have one. If you do not have an attorney, you may wish to consult one.

TO ALL CREDITORS: This Plan is proposed by Debtor and your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. You should read this Plan carefully and discuss it with your attorney if you have one. If you do not have an attorney, you may wish to consult one.

If you oppose this Plan's treatment of your claim or any provision of this Plan, you or your attorney must file a written objection to confirmation of the Plan at least 14 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. *See* FRBP 3015. In addition, you must file a timely proof of claim in order to be paid under any plan. *See* LBR 3015-1 and FRBP 3002(a).

Defaults will be cured using the interest rate set forth below in the Plan.

The following matters may be of particular importance to you

Debtor must check one box on each line to state whether or not this Plan includes each of the following items. If an item is checked as "Not Included," if both boxes are checked, or neither box is checked, the item will be ineffective if set out later as a provision in this Plan.

- Valuation of property and avoidance of a lien on property of the bankruptcy estate, set out in Class 3.A. and/or Section IV (11 U.S.C. § 506(a) and (d)):**

1.1

☐ Included ☒ Not included

- Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section IV (11 U.S.C. § 522(f)):**

1.2

☐ Included ☒ Not included

- Less than full payment of a domestic support obligation that has been assigned to a governmental unit, pursuant to 11 U.S.C. §1322(a)(4). This provision requires that payments in Part 2 Section I.A. be for a term of 60 months:**

1.3

☐ Included ☒ Not included

- Other Nonstandard Plan provisions, set out in Section IV:**

1.4

☐ Included ☒ Not included

ALL CREDITORS ARE REQUIRED TO FILE A PROOF OF CLAIM IN ORDER TO HAVE AN ALLOWED CLAIM, EXCEPT AS PROVIDED IN FRBP 3002(a). Debtor, or Attorney for Debtor (if any), are solely responsible to object to a creditor's claim if Debtor deems it necessary. A Debtor whose Plan is confirmed may be eligible thereafter to receive a discharge of debts to the extent specified in 11 U.S.C. § 1328.

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Debtor proposes the following Plan terms and makes the following declarations:

Section I. PLAN PAYMENT AND LENGTH OF PLAN

A. Monthly Plan Payments will begin 30 days from the date the bankruptcy petition was filed. If the payment due date falls on the 29th, 30th, or 31st day of the month, payment is due on the 1st day of the following month (LBR 3015-1(k)(1)(A)).

Payments by Debtor of:

\$246 per month for months 1 through 60 totaling \$14,760.

\$___ per month for months ___ through ___ totaling ___.

\$___ per month for months ___ through ___ totaling ___.

For a total plan length of 60 months totaling \$14,760.

B. Nonpriority unsecured claims.

1. After Class 1 through Class 4 creditors are paid, allowed nonpriority unsecured claims that are not separately classified (Class 5) will be paid *pro rata*. If more than one option is checked below, the option providing the largest payment will be effective. *Check all that apply.*

a. ☒ **"Percentage" plan:** 6.00% of the total amount of these claims, for an estimated payment of \$10,256.

b. ☐ **"Residual" plan:** The remaining funds after disbursements have been made to all other creditors provided for in this Plan, estimated to pay \$10,255.85 equivalent to 5.90% of these claims.

c. ☐ **"Pot" plan:** The sum of \$10,255.85 estimated to pay 5.90% of these claims.

2. Minimum Plan payments. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least the following amounts: (a) the sum of \$0.00 representing the value of non-exempt assets that would have to be paid to nonpriority unsecured creditors if the bankruptcy estate of Debtor were liquidated under Chapter 7 (11 U.S.C. § 1325(a)(3)) and (b) if Debtor has above-median income and otherwise subject to 11 U.S.C. § 1325(b), the sum of \$249, representing all disposable income payable for 60 months.

C. Regular Plan payments to the Chapter 13 Trustee will be made from future income in the following manner: *Check all that apply:*

☐ Debtor will make Plan payments pursuant to a payroll deduction order.

☒ Debtor will make Plan payments directly to the Chapter 13 Trustee.

☐ Other (*specify method of payment*): _____

D. Income tax refunds. Debtor will provide the Chapter 13 Trustee with a copy of each income tax return filed during the Plan term within 14 days of filing the return and, unless the Plan provides 100% payment to nonpriority unsecured creditors (Class 5), will turn over to the Chapter 13 Trustee all income tax refunds in excess of \$500 received during the Plan term.

E. In the event that secured creditor(s) file a Notice of Postpetition Fees and Costs pursuant to FRBP 3002.1(c), the Chapter 13 Trustee is authorized, but not required, to commence paying those charges 90 days after that notice is filed, unless within that time the Debtor contests those charges by filing a motion to determine payment under FRBP 3002.1(e) or agrees to pay those charges by filing a motion to modify this Plan.

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F. Debtor must make preconfirmation adequate protection payments for any creditor that holds an allowed claim secured by personal property where such security interest is attributable to the purchase of such property and preconfirmation payments on leases of personal property whose allowed claim is impaired by the terms proposed in this Plan. Debtor must make preconfirmation adequate protection payments and preconfirmation lease payments to the Chapter 13 Trustee for the following creditor(s) in the following amounts.

Creditor/Lessor Name	Collateral Description	Last 4 Digits of Account #	Amount
CHASE AUTO FINANCE	2018 SUBARU FORESTER	TBD	494
PARTNERS FEDERAL CREDIT UNION	2015 CHRYSLER FIAT	0090	334
FREEDOM ROAD FINANCIAL	2015 KTM ADVENTURE	0467	229

Each adequate protection payment or preconfirmation lease payment will accrue beginning the 30th day from the date of filing of the case. The Chapter 13 Trustee must deduct the foregoing adequate protection payment(s) and/or preconfirmation lease payment from Debtor's Plan Payment and disburse the adequate protection payment or preconfirmation lease payment to the secured creditor(s) at the next available disbursement or as soon as practicable after the payment is received and posted to the Chapter 13 Trustee's account. The Chapter 13 Trustee will collect his or her statutory fee on all receipts made for preconfirmation adequate protection payments or preconfirmation lease payments.

G. Debtor must not incur debt greater than \$1,000 without prior court approval unless the debt is incurred in the ordinary course of business pursuant to 11 U.S.C. §1304(b) or for medical emergencies.

H. The Chapter 13 Trustee is authorized to disburse funds after the date the Plan confirmation is announced in open court.

I. Debtor must file timely allpostpetition tax returns and pay timely allpostconfirmation tax liabilities directly to the appropriate taxing authorities.

J. Debtor must pay all amounts required to be paid under a Domestic Support Obligation that first became payable after the date of the filing of the bankruptcy petition.

K. If the Plan proposes to avoid a lien of a creditor, the Chapter 13 Trustee must not disburse any payments to that creditor on that lien until the Plan confirmation order is entered.

Section II. ORDER OF PAYMENT OF CLAIMS; CLASSIFICATION AND TREATMENT OF CLAIMS:

Except as otherwise provided in this Plan or by court order, the Chapter 13 Trustee must disburse all available funds for the payment of claims as follows:

A. ORDER OF PAYMENT OF CLAIMS:

The order of priority of payment of claims will be:

1st Domestic Support Obligations, if any; the Chapter 13 Trustee's fee not exceeding the amount accrued on Plan Payments made to date and Administrative expenses in this case until paid in full;

2nd Subject to the 1st paragraph, *pro rata* to all secured claims and all priority unsecured claims except as otherwise provided in this Plan.

3rd Non-priority unsecured creditors will be paid *pro rata* except as otherwise provided in this Plan. No payment will be made on nonpriority unsecured claims until all the above administrative, secured and priority claims have been paid in full unless otherwise provided in this Plan.

CLASS 1

ALLOWED UNSECURED CLAIMS ENTITLED TO PRIORITY UNDER 11 U.S.C. §507

Class 1 claims will be paid pro rata in the order set forth in Section II.A. above.

Unless otherwise ordered by the court, the claim amount stated on a proof of claim, and the dollar amount of any allowed administrative expense, controls over any contrary amount listed below.

CATEGORY	AMOUNT OF PRIORITY CLAIM	INTEREST RATE, if any	TOTAL PAYMENT
a. Administrative Expenses			
(1) Chapter 13 trustee's fee – estimated at 11% of all payments to be made to all classes through this Plan.			
(2) Attorney's Fees	\$2,500.00		\$2,500.00
(3) Chapter 7 Trustee's Fees			
(4) Other			
(5) Other			
b. Other Priority Claims			
(1) Internal Revenue Service	\$10,700 (to be paid outside the plan)	0.00 %	\$0.00
(2) Franchise Tax Board	\$0.00	0.00 %	\$0.00
(3) Domestic Support Obligation	\$0.00	0.00 %	\$0.00
(4) Other	\$0.00	0.00 %	\$0.00
Domestic Support Obligations that have been assigned to a governmental unit and are not to be paid in full in the Plan pursuant to 11 U.S.C. §1322(a)(4) (this provision requires that payments in Part 2 Section I.A. be for a term of 60 months) (specify creditor name):			

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

CLASS 2

CLAIMS SECURED SOLELY BY PROPERTY THAT IS DEBTOR'S PRINCIPAL RESIDENCE ON WHICH OBLIGATION MATURES AFTER THE FINAL
PLAN PAYMENT IS DUE

Check One.

☒ **None.** If "None" is checked, the rest of this form for Class 2 need not be completed.

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CLASS 3A

CLAIMS SECURED BY REAL OR PERSONAL PROPERTY WHICH ARE TO BE PAID IN FULL DURING THE TERM OF THIS PLAN.

Check One.

☒ **None.** If "None" is checked, the rest of this form for Class 3A need not be completed.

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CLASS 3B

SECURED CLAIMS EXCLUDED FROM 11 U.S.C. §506

Check One.

☒ **None.** If "None" is checked, the rest of this form for Class 3B need not be completed.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

CLASS 4

OTHER CLAIMS ON WHICH THE LAST PAYMENT ON A CLAIM IS DUE AFTER THE DATE ON WHICH THE FINAL PLAN PAYMENT IS DUE
Check One.

☒ **None.** If "None" is checked, the rest of this form for Class 4 need not be completed.

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CLASS 5

NON-PRIORITY UNSECURED CLAIMS

- a. Allowed nonpriority unsecured claims not separately classified must be paid pursuant to Section I.B. above.
- b. Separate classification:

Check all that apply if Debtor poses any separate classification of nonpriority unsecured claims.

☒ **None.** If "None" is checked, the rest of this form for Class 5 need not be completed.

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CLASS 6

SURRENDER OF COLLATERAL

Check One.

☐ **None.** If "None" is checked, the rest of this form for Class 6 need not be completed.

☒ Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. Debtor requests that upon confirmation of the Plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Class 5 above.

Creditor Name:

Description:

VW Credit

2016 Volkswagon GTI

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CLASS 7

EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check One.

☒ **None.** If "None" is checked, the rest of this form for Class 7 need not be completed.

Section III. PLAN SUMMARY

CLASS 1a	\$2,500.00
CLASS 1b	\$10,700.00
CLASS 1c	\$0.00
CLASS 2	\$0.00
CLASS 3A	\$0.00
CLASS 3B	\$0.00
CLASS 4	\$0.00
CLASS 5	\$0.00
CLASS 6	\$0.00
CLASS 7	\$0.00
SUB-TOTAL	\$13,200.00
CHAPTER 13 TRUSTEE'S FEE (Estimated 11% unless advised otherwise)	\$1,623.60
TOTAL PAYMENT	\$14,760.00

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☒ **None.** If "None" is checked, the rest of Section IV need not be completed.

WARNING: Pursuant to FRBP 3015(c), Debtor must set forth all nonstandard Plan provisions in this Plan in this separate Section IV of this Plan and must check off the "Included" box or boxes in Paragraphs 1.1, 1.2, 1.3 and/or 1.4 of Part 1 of this Plan.

A nonstandard Plan provision means any Plan provision not otherwise included in this mandatory Chapter 13 Plan form of the United States Bankruptcy Court for the Central District of California, or any Plan provision deviating from this form.

A nonstandard Plan provision is ineffective unless: (1) Debtor states it in this separate Section IV and; (2) Debtor checks off the applicable "Included" box in Paragraph 1.1., 1.2, 1.3 or 1.4. of Part 1 of this Plan.

The nonstandard Plan provisions seeking modification of liens and security interests address only those liens and security interests known to Debtor, and known to be subject to avoidance, and all rights are reserved as to any matters not currently known to Debtor.

A. Debtor's Intent to File Separate Motion to Value Property Subject to Creditor's Lien or Avoid Creditor's Lien [11 U.S.C. § 506(a) and (d)]

Debtor will file a Motion to value real or personal property of the bankruptcy estate listed below and/or to avoid a lien pursuant to 11 U.S.C. §506(a) and §506(d).

Name of Creditor Lienholder/Service: _____

Description of lien and collateral (e.g., 2nd lien on 123 Main St.): _____

Name of Creditor Lienholder/Service: _____

Description of lien and collateral (e.g., 2nd lien on 123 Main St.): _____

B. Debtor's Intent to File Separate Motion to Avoid Creditor's Judicial Lien or Nonpossessory, Nonpurchase Security Interest [11 U.S.C. § 522(f)]

Debtor will file a Motion to avoid a judicial lien or nonpossessory, nonpurchase-money security interest, on real or personal property of the bankruptcy estate listed below pursuant to 11 U.S.C. § 522(f). If the court enters an order avoiding a lien under 11 U.S.C. § 522(f), the Chapter 13 Trustee will not pay any claim filed based on that lien as a secured claim.

Name of Creditor Lienholder/Service: _____

Description of lien and collateral (e.g., 2nd lien on 123 Main St.): _____

Name of Creditor Lienholder/Service: _____

Description of lien and collateral (e.g., 2nd lien on 123 Main St.): _____

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C. Debtor's Request in this Plan to Modify Creditor's Secured Claim and Lien

Debtor proposes to modify the following secured claims and liens in this Plan without a separate motion or adversary proceeding - this Plan will serve as the motion to value the collateral and/or avoid the liens as proposed below. **To use this option, Debtor must serve this Plan, LBR Form F 3015-1.02.NOTICE.341.PLAN.CONFRM and all related exhibits as instructed in that form.**

DEBTOR'S REQUEST TO MODIFY CREDITOR'S SECURED CLAIM AND LIEN

TO CREDITOR LIENHOLDER/SERVICER _____

☐ Real property collateral (street address and/or legal description or document recording number, including county of recording):

(attach page with legal description of property or document recording number as appropriate).

☐ Other collateral

(add description such as judgment date, date and place of lien recording, book and page number):

☐ 11 U.S.C. § 522(f) – Debtor seeks avoidance of your lien(s) on the above described collateral effective immediately upon issuance of the order confirming this Plan.

☐ 11 U.S.C. § 506(a) and (d) – Debtor seeks avoidance of your lien(s) on the above described collateral that will be effective upon the earliest to occur of either payment of the underlying debt determined under nonbankruptcy law or one of the following:

(check all that apply and see LBR Form F 4003-2.4.ORDER.AFTERDISCH):

☐ (1) discharge under 11 U.S.C. § 1328, or

☐ (2) if the value of the "amount of remaining secured claim" listed below is "\$-0-" then upon completion of all Plan payments.

Value of collateral: \$ _____

Liens reducing equity (to which subject lien can attach):

\$ _____ + \$ _____ + \$ _____ = (\$ _____)

Exemption (only applicable for lien avoidance under 11 U.S.C. § 522(f)): (\$ _____)

Wherefore, Debtor requests that this court issue an order granting the foregoing property valuation and/or lien avoidance of the above-listed creditor on the above-described collateral in the form Attachment B, C and/or D to this Plan, as applicable. (Debtor must use and attach a separate Attachment B, C and/or D which are also mandatory court forms for modification of each secured claim and lien.)

Amount of remaining secured claim (negative results should be listed as \$-0-): \$ _____

Note: See other parts of this Plan for the proposed treatment of any remaining secured claim (generally Class 3).

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D. Other Non-Standard Plan Provisions (*use attachment, if necessary*):

V. REVESTING OF PROPERTY

Property of the bankruptcy estate will not revert in Debtor until a discharge is granted or the case is dismissed or closed without discharge. Revesting will be subject to all liens and encumbrances in existence when the case was filed, except those liens avoided by court order or extinguished by operation of law. In the event the case is converted to a case under Chapter 7, 11, or 12 of the Bankruptcy Code, the property of the estate will vest in accordance with applicable law. After confirmation of this Plan, the Chapter 13 Trustee will not have any further authority or fiduciary duty regarding use, sale, or refinancing of property of the estate except to respond to any motion for proposed use, sale, or refinancing as required by the LBRs. Prior to any discharge or dismissal, Debtor must seek approval of the court to purchase, sell, or refinance real property.

By filing this document, the Attorney for Debtor, or Debtor if not represented by an attorney, also certifies that the wording and order of the provisions in this Plan are identical to those contained in the Central District of California Chapter 13 Plan other than any nonstandard Plan provisions included in Section IV.

Date: 06/06/2018

/s/ Sevan Gorginjan, Esq.
Attorney for Debtor(s)


Debtor 1

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